

Notice of Allowability

Application No.

10/058,298

Applicant(s)

YOKOYAMA, YUTAKA

Examiner

Richard Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1/18/05.
2. ☒ The allowed claim(s) is/are 1-10,12-20,22-32,34-42 and 44-46.
3. ☒ The drawings filed on 18 January 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. **In the Abstract:**

At line 12 of the Abstract, "said" has been changed to --the--.

3. **In the Claims:**

Claim 1, line 7, "cod e" has been changed to --code--;

Claim 10, line 4, "said" has been changed to --an--;

Claim 22, line 4, "said" has been changed to --an--;

Claim 23, line 4, after "images", ",", has been deleted;

Claim 24, line 2, after "images" (first occurrence), --,-- has been inserted;

Claim 25, line 2, after "images", --,-- has been inserted;

Claim 26, line 3, after "images", --,-- has been inserted;

Claim 29, line 5, after "correlation", --is-- has been inserted;

Claim 34, line 4, "predetermined" has been changed to --constant--;

Claim 34, line 11, before "code quantity", --target-- has been inserted;

Claim 35, line 2, after "images" (first occurrence), --,-- has been inserted;

Claim 36, line 2, after "images", --,-- has been inserted;

Claim 46, line 4, "predetermined" has been changed to --constant--; and

Claim 46, line 14, "calculated" has been changed to --computed--.

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4. The following is an examiner's statement of reasons for allowance:

The applicant's arguments at pages 16-17 of the amendment filed January 18, 2005 has persuaded the Examiner to pass the case to issue.

Further, the limitations as recited at claim 1, lines 3-4, lines 7-10, lines 13-19, claim 12, lines 3-4, lines 7-13, lines 16-22 meet the following 3-prong analysis:

- a. the claim limitation uses the phrase "means for";
- b. the "means for" is modified by functional language; and
- c. the phrase "means for" is not modified by sufficient structure, material or acts for achieving the specified function. And since the claimed limitations meet the 3-prong analysis, the claim limitations will be interpreted as to invoke 35 U.S.C. 112, sixth paragraph.

The particular "means for" limitations as claimed in claims 1 and 12 are defined as disclosed in Figures 1-3, 18, and 19 in connection with pages 20-24, 28-30, 46-49, and 52-53 of the Specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

4/27/05

